

SEC. 90009. REVIEW BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES OF REAL ESTATE PURCHASES OR LEASES NEAR MILITARY INSTALLATIONS OR MILITARY AIRSPACE.

(a) INCLUSION IN DEFINITION OF COVERED TRANSACTION.—Section 721(a)(4) of the Defense Production Act of 1950 (50 U.S.C. 4565(a)(4)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking “; and” and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(iii) any transaction described in subparagraph (B)(vi) that is proposed, pending, or completed on or after the date of the enactment of the Protecting Military Installations and Ranges Act of 2021.”; and

(2) in subparagraph (B), by adding at the end the following:

“(vi) Notwithstanding clause (ii) or subparagraph (C), the purchase or lease by, or a concession to, a foreign person of private or public real estate—

“(I) that is located in the United States and within—

“(aa) 100 miles of a military installation (as defined in section 2801(c)(4) of title 10, United States Code); or

“(bb) 50 miles of—

“(AA) a military training route (as defined in section 183a(h) of title 10, United States Code);

“(BB) airspace designated as special use airspace under part 73 of title 14, Code of Federal Regulations (or a successor regulation), and managed by the Department of Defense;

“(CC) a controlled firing area (as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation)) used by the Department of Defense; or

“(DD) a military operations area (as defined in section 1.1 of title 14, Code of Federal Regulations (or a successor regulation)); and

“(II) if the foreign person is owned or controlled by, is acting for or on behalf of, or receives subsidies from—

“(aa) the Government of the Russian Federation;

“(bb) the Government of the People’s Republic of China;

“(cc) the Government of the Islamic Republic of Iran; or

“(dd) the Government of the Democratic People’s Republic of Korea.”.

(b) MANDATORY UNILATERAL INITIATION OF REVIEWS.—Section 721(b)(1)(D) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(1)(D)) is amended—

(1) in clause (iii), by redesignating subclauses (I), (II), and (III) as items (aa), (bb), and (cc), respectively, and by moving such items, as so redesignated, 2 ems to the right;

(2) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and by moving such subclauses, as so redesignated, 2 ems to the right; and

(3) by striking “Subject to” and inserting the following:

“(i) IN GENERAL.—Subject to”; and

(4) by adding at the end the following:

“(ii) MANDATORY UNILATERAL INITIATION OF CERTAIN TRANSACTIONS.—The Committee shall initiate a review under subparagraph (A) of a covered transaction described in subsection (a)(4)(B)(vi).”.

(c) CERTIFICATIONS TO CONGRESS.—Section 721(b)(3)(C)(iii) of the Defense Production Act of 1950 (50 U.S.C. 4565(b)(3)(C)(iii)) is amended—

(1) in subclause (IV), by striking “; and” and inserting a semicolon;

(2) in subclause (V), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(VI) with respect to covered transactions described in subsection (a)(4)(B)(vi), to the members of the Senate from the State in which the military installation, military training route, special use airspace, controlled firing area, or military operations area is located, and the member from the Congressional District in which such installation, route, airspace, or area is located.”.

(d) LIMITATION ON APPROVAL OF ENERGY PROJECTS RELATED TO REVIEWS CONDUCTED BY COMMITTEE ON FOREIGN INVESTMENT IN THE UNITED STATES.—

(1) REVIEW BY SECRETARY OF DEFENSE.—Section 183a of title 10, United States Code, is amended—

(A) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—(1) If, during the period during which the Department of Defense is reviewing an application for an energy project filed with the Secretary of Transportation under section 44718 of title 49, the purchase, lease, or concession of real property on which the project is planned to be located is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565), the Secretary of Defense—

“(A) may not complete review of the project until the Committee concludes action under such section 721 with respect to the purchase, lease, or concession; and

“(B) shall notify the Secretary of Transportation of the delay.

“(2) If the Committee on Foreign Investment in the United States determines that the purchase, lease, or concession of real property on which an energy project described in paragraph (1) is planned to be located threatens to impair the national security of the United States and refers the purchase, lease, or concession to the President for further action under section 721(d) of the Defense Production Act of 1950 (50 U.S.C. 4565(d)), the Secretary of Defense shall—

“(A) find under subsection (e)(1) that the project would result in an unacceptable risk to the national security of the United States; and

“(B) transmit that finding to the Secretary of Transportation for inclusion in the report required under section 44718(b)(2) of title 49.”.

(2) REVIEW BY SECRETARY OF TRANSPORTATION.—Section 44718 of title 49, United States Code, is amended—

(A) by redesignating subsection (h) as subsection (i); and

(B) by inserting after subsection (g) the following new subsection:

“(h) SPECIAL RULE RELATING TO REVIEW BY COMMITTEE ON FOREIGN INVESTMENT OF THE UNITED STATES.—The Secretary of Transportation may not issue a determination pursuant to this section with respect to a proposed structure to be located on real property the purchase, lease, or concession of which is under review or investigation by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565) until—

“(1) the Committee concludes action under such section 721 with respect to the purchase, lease, or concession; and

“(2) the Secretary of Defense—

“(A) issues a finding under section 183a(e) of title 10; or

“(B) advises the Secretary of Transportation that no finding under section 183a(e) of title 10 will be forthcoming.”.

SA 2468. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

On page 2675, line 21, strike the period and insert the following: “: *Provided further*, That, notwithstanding any other provision of this Act, of the amounts made available under this heading and under the heading ‘National Network Grants to the National Railroad Passenger Corporation’ in this Act, \$150,000,000 shall be made available to the Secretary of Defense to modify or improve the infrastructure necessary to expedite the deployment of heavy armored divisions and associated equipment from United States military installations to naval ports by rail.”.

SA 2469. Mr. CRUZ submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40436 of subtitle C of title IV of division D and insert the following:

SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN CHINA ON THE ELECTRIC VEHICLE SUPPLY CHAIN.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of State and the Secretary of Commerce, shall study, and submit to Congress a report describing, the impact of forced labor in China on the electric vehicle supply chain.

(b) PROHIBITION.—Notwithstanding any other provision of law and subject to subsection (c), no funds shall be expended for the purchase or import of—

(1) significant goods, wares, articles, or merchandise mined, produced, or manufactured wholly or in part in the Xinjiang Uyghur Autonomous Region of the People’s Republic of China to be used for the production of electric vehicles; or

(2) electric vehicles that incorporate, or are otherwise produced using, items described in paragraph (1).

(c) EXPIRATION OF PROHIBITION.—The prohibition described in subsection (b) shall expire on a date not earlier than the date on which—

(1) the report required by subsection (a) is submitted, if that report concludes that forced labor in China does not have a significant impact on the electric vehicle supply chain; and

(2) the Secretary certifies to the relevant committees of Congress that the report submitted under subsection (a) accurately assesses the impact of forced labor in China on the electric vehicle supply chain.

SA 2470. Mr. VAN HOLLEN (for himself and Mr. KAINE) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr.